

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In re:

Jointly Administered

EPIC Companies Midwest, LLC,
EPIC Companies Midwest 2023, LLC,
EPIC Employee, LLC,
EOLA Capital, LLC, and
EC West Fargo, LLC,

Bankruptcy No. 24-30281
Bankruptcy No. 24-30282
Bankruptcy No. 24-30283
Bankruptcy No. 24-30284
Bankruptcy No. 24-30285

Debtors.

Chapter 11

DEBTORS' NOTICE OF MOTION AND MOTION TO APPROVE SETTLEMENT

1. EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, EPIC Employee, LLC, EOLA Capital, LLC, and EC West Fargo, LLC (collectively, the “Debtors”) hereby move the Court for an order pursuant to Fed. R. Bankr. P. 9019(a) approving a settlement between EPIC Companies Midwest 2023, LLC (“EPIC Midwest 2023”) and HIE Depot, LLC (“HIE”).

2. This Motion arises under 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 2002(a)(3) and 9019(a). This Motion is filed under Fed. R. Bankr. P. 9013, Local Rule 9013-1, and the Court’s Order Establishing Settlement Procedures (ECF No. 123). Notice of the hearing on this Motion is provided pursuant to the Court’s Order Limiting Notice Pursuant to Fed. R. Bankr. P. 2002(i) (ECF No. 124).

3. EPIC Midwest 2023 and HIE are parties to that certain Promissory Note dated October 1, 2023, in the principal amount of \$200,000, with a maturity date of October 1, 2024 and monthly interest payments at 8.0% (the “Note”). In June 2024, HIE ceased making monthly interest payments to EPIC Midwest 2023 and, therefore, defaulted under the Note. EPIC Midwest 2023 asserts that all amounts owed to EPIC Midwest 2023 are immediately due and payable. To

avoid the costs and uncertainties of litigation, HIE has offered \$200,000 to settle the dispute and EPIC Midwest 2023 has accepted that offer pending Court approval. The \$200,000 payment to EPIC Midwest 2023 was initiated on November 24, 2024.

4. The Debtors believe that the costs of litigation will reduce the funds available to pay the claims of the estates if the dispute is not settled and HIE has offered to pay the full principal amount owed under the Note. The Debtors believe the settlement is in the best interests of creditors.

5. The Debtors request that the Court approve the settlement described herein pursuant to Fed. R. Bankr. P. 9019(a).

6. Any objection to the Motion must be filed with the Clerk of the United States Bankruptcy Court, whose address is Quentin N. Burdick Courthouse, 655 First Avenue North, Suite 210, Fargo, North Dakota 58102, and served upon the attorney whose name and address is listed below, by December 17 2024, which is twenty-one (21) days from the date of the filing of this Motion. Any objections not filed and served may deemed waived and the Court may enter an order approving this settlement without further notice or hearing.

Dated: November 26, 2024

/e/ Steven R. Kinsella

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ORDER APPROVING SETTLEMENT WITH HIE DEPOT, LLC

The Debtors, EPIC Companies Midwest, LLC, EPIC Companies Midwest 2023, LLC, EPIC Employee, LLC, EOLA Capital, LLC, and EC West Fargo, LLC (collectively, the “Debtors”), by and through their counsel, filed a motion to approve a settlement with HIE Depot, LLC (the “Motion”). Pursuant to the notice of the Motion, any objections to the Motion were due by December 17, 2024.

The Debtors properly served notice of the Motion. The Court received no objections to the Motion. Based upon the Motion (Doc. No. __), the Court finds that the circumstances of these cases warrant granting the relief requested in the Motion.

IT IS THEREFORE ORDERED that the settlement with HIE Depot, LLC is **APPROVED**.

Dated: _____, 2024

SHON HASTINGS, JUDGE
U.S. BANKRUPTCY COURT